

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

JAMES PETERMAN; and CYNTHIA
PETERMAN

Plaintiff,

vs.

5:04-CV-1454
(NAM/DEP)

UNITED STATES OF AMERICA,

Defendant.

APPEARANCES

Bottar, Leone Law Firm
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Suite 1600
MONY Tower II - 16th Floor
Syracuse, NY 13202
Attorneys for Plaintiff

OF COUNSEL:

Michael Scott Porter, Esq.
Lauren H. Seiter, Esq.

Office of the United States Attorney
100 South Clinton Street
Syracuse, NY 13261-7198
Attorney for Defendant

William F. Larkin, Esq.

Hon. Norman A. Mordue, Chief U.S. District Judge

JUDGMENT DISMISSING ACTION BY REASON OF SETTLEMENT

Pursuant to the notice of settlement filed on December 6, 2007, by Assistant U.S. Attorney William Larkin, that the parties have entered into an agreement in settlement of all claims in this action, and that they reasonably anticipate finalizing their agreement shortly, following which this action will be discontinued, with prejudice, by stipulation pursuant to Rule 41(a)(1)(ii) of the Federal Rules of Civil Procedure. Based upon this development, I find that it is not necessary for this action to remain on the court's active docket.

It is therefore hereby

ORDERED that:

1. The above-captioned case is hereby **DISMISSED** in its entirety **without prejudice** to re-opening upon the motion of any party within thirty (30) days of the date of the filing of this order upon a showing that the settlement was not consummated;

2. The dismissal of the above-captioned case shall become **with prejudice** on the thirty-first day after the date of the filing of this order unless any party moves to re-open this case within thirty (30) days of the date of the filing of this order upon a showing that the settlement was not consummated; and

3. The Clerk shall forthwith serve this Judgment upon the attorneys for the parties appearing in this action by electronic mail.

IT IS SO ORDERED.

DATED: December 7, 2007
Syracuse, New York


Norman A. Mordue
Chief United States District Court Judge